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EXAMINER	
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2621	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/573,268	SEO ET AL.	
	Examiner	Art Unit	
	MARC DAZENSKI	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 March 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-8,19 and 27-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4-8,19 and 27-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application.
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 11 March 2010 have been fully considered but they are not persuasive.

On pages 6-7 of the remarks, Applicant argues Tsumagari fails to disclose, "setting a display mode from among a plurality of display modes, the plurality of display modes including at least ***a first mode*** for reproducing AV data, ***a second mode*** for reproducing both AV data and enhanced data, and ***a third mode*** for reproducing enhanced data," and further "Tsumagari discloses a method in which only ***two modes*** of reproduction (video disk reproduction and enhanced DVD video disk reproduction) can be carried out." The examiner respectfully disagrees.

Applicant points to paragraphs [0123] – [0133] in formulating their arguments and further argues that the parameter P_CFG_ENAV only has two values (0b and 1b), which determine whether video disk reproduction or enhanced video disk reproduction can be carried out. The examiner notes that this parameter does not determine whether ENAV contents can be reproduced, but whether an enhanced video disk has been inserted into the optical disk apparatus (A); if the enhanced video disk comprising enhanced data is not inserted, then it becomes necessary to download the ENAV web contents from web server (S) for proper reproduction. The examiner maintains that the "video disk or enhanced video disk" ultimatum proposed by the applicant on page 7 is drawn toward an *existing* DVD video player that cannot play ENAV contents unless they

are stored on the disk (see, e.g., [0111] – [0115]), rather than the optical disk apparatus (A) of the Tsumagari reference. Indeed, this is one of the problems the invention in Tsumagari seeks to solve (see, e.g., the "authentication information" and "extensible information" in the Abstract as well as the "Operation for Reproducing ENAV Contents Including Web Contents" starting at [0134]).

Further, throughout the specification the Tsumagari reference describes a full video mode of outputting a video image from the DVD video reproduction portion R ("a first mode for reproducing AV data"), a mixed frame mode for outputting both of the video image from the DVD video reproducing portion R and the video image from the ENAV reproducing portion E to be composed with each other ("a second mode for reproducing both AV data and enhanced data"), as well as a third full ENAV mode for outputting a video image from the ENAV reproducing portion E ("a third mode for reproducing enhanced data"). This is disclosed in paragraphs [0092] - [0097] as well as exhibited in figures 9A-9D (wherein 9A shows full disk reproduction, 9B and 9C both show mixed disk and enhanced reproduction, and 9D shows full web/enhanced data reproduction).

A full rejection of the pending claims appears below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4-6, 8, 19, and 27-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsumagari et al (US PgPub 2004/0126095), hereinafter referred to as Tsumagari.

Regarding **claim 1**, Tsumagari discloses an optical disk apparatus and optical disk processing method and optical disk. Further, Tsumagari discloses an optical disk apparatus that acquires and reproduces ENAV contents in addition to reproducing ENAV contents included in a disk in addition to the existing DVD contents, which reads on the claimed, "a method for reproducing a set of at least one of external data and a set of internal data of a recording medium," as disclosed at paragraph [0043]; the method comprising:

acquiring from the internet web contents consisting of video image information, voice information, text information, and link information captured as ENAV contents, which reads on the claimed, "downloading the external data from an external source, the external data including first audiovisual (AV) data and first enhanced data," as disclosed at paragraphs [0049], [0116], and [0167] as well as exhibited in figure 6;

upon startup or disc insertion, loading an enhanced DVD video disk, which reads on the claimed, "loading the recording medium having the internal data, the internal data including second AV data and second enhanced data," as disclosed at paragraph [0047] and exhibited in figures 2 and 5;

switching and selecting the video image output of the DVD video reproducing portion (R) and/or the video image output of the ENAV reproducing portion (E) in accordance with an output method selected by a user from a user operating portion (53), the three modes of reproduction including a full video mode, a mixed frame mode, and a full ENAV mode, which reads on the claimed, "setting a display mode from among a plurality of display modes, the plurality of display modes including at least a first mode for reproducing AV data, a second mode for reproducing both AV data and enhanced data, and a third mode for reproducing enhanced data," as disclosed at paragraphs [0092] – [0097] and exhibited in figures 9A-D; and,

carrying out authentication processing to determine if the ENAV contents are of the most recent type and then downloading the web contents, as well as reproducing the contents once downloading is complete, the video image output control portion (59) carrying out the outputting of a video image in a full video mode, a full ENAV mode, or a mixed frame mode, which reads on the claimed, "determining whether at least one of the first AV data, the second AV data, the first enhanced data, and the second enhanced data is to be reproduced based on the set display mode; and reproducing at least one of the first AV data, the second AV data, the first enhanced data, and the second enhanced data based on the determining step," as disclosed at paragraphs [0092]-[0097], [0138] – [0143] and exhibited in figure 6.

Regarding **claim 4**, Tsumagari discloses everything claimed as applied above (see claim 2). Further, Tsumagari discloses the ENAV contents are described using a

markup or script language such as Javascript, which reads on the claimed, "wherein the first and second enhanced data is a Java program," as disclosed at paragraph [0036].

Regarding **claim 5**, Tsumagari discloses everything claimed as applied above (see claim 2). Further, Tsumagari discloses ENAV reproducing portion (E) for reproducing ENAV contents, which reads on the claimed, "wherein the Java program is executed by a Java module," as disclosed at paragraph [0055].

Regarding **claim 6**, Tsumagari discloses everything claimed as applied above (see claim 4). Further, Tsumagari discloses ENAV interface which outputs a "video and/or voice output control signal" included in reproduction control information of the ENAV contents, which includes a command for switching the contents for reproduction of the DVD video or ENAV contents, which reads on the claimed, "wherein the Java program controls a reproduction of the data," as disclosed at paragraphs [0083]-[0085] and [0092].

Regarding **claim 8**, Tsumagari discloses everything claimed as applied above (see claim 1). Further, Tsumagari discloses for reproduction control information included in ENAV contents, there are user specific commands or variables associated with reproduction of the DVD video disk and/or ENAV contents, as well as outputting a "DVD event signal" based on an event such as a menu call during DVD reproduction, which reads on the claimed, "wherein the java module generates a control command for reproducing at least one of the first and second AV data and the first and second enhanced data," as disclosed at paragraphs [0053] and [0084].

Regarding **claim 19**, the examiner maintains the claim is the corresponding apparatus to the method of claim 1, and is therefore rejected in view of the explanation set forth in claim 1 above.

Regarding **claim 27**, Tsumagari discloses everything claimed as applied above (see claim 19). Further, Tsumagari discloses user event control portion (54) and ENAV interface portion (55) which together produce a window size change event to change the display position and size, which reads on the claimed, "a pre-processing unit configured to adjust a displaying size of the first and second AV data and first and second enhanced data," as disclosed at paragraphs [0072] and [0085].

Regarding **claim 28**, Tsumagari discloses everything claimed as applied above (see claim 19). Further, Tsumagari discloses ENAV interface portion (55) is configured to serve as an interface between DVD reproducing portion (R) and ENAV reproducing portion (E), and then controlling a signal output state based upon exchanged control signals, which reads on the claimed, "a Java module configured to control a reproduction of at least one of the first and second AV data and the first and second enhanced data," as disclosed at paragraphs [0076] - [0077] (wherein this acts as a Java module due to the explanation set forth in claims 4 and 5 above).

Regarding **claim 29**, Tsumagari discloses everything claimed as applied above (see claim 28). Further, Tsumagari discloses the ENAV interface portion (55) feeding a signal for controlling an output state according to a user event and/or the ENAV command from ENAV interpreting portion (56), which reads on the claimed, "wherein the Java module generates a control command to control the reproduction of the first

and second AV data and first and second enhanced data," as disclosed at paragraphs [0076] and [0093] – [0097].

Regarding **claim 30**, Tsumagari discloses everything claimed as applied above (see claim 19). Further, Tsumagari discloses buffer portion (57) which stores ENAV contents captured from an internet communication portion (62), which reads on the claimed, "a storage configured to store the external data," as disclosed at paragraphs [0057] – [0058].

Regarding **claim 31**, Tsumagari discloses everything claimed as applied above (see claim 19). Further, Tsumagari discloses a mixed frame mode in which video images from both the DVD video reproducing portion (R) and the ENAV reproducing portion (E) are composed with each other, which reads on the claimed, "wherein the first and second enhanced data is additional data to be reproduced with the first and second AV data," as disclosed at paragraph [0092] and exhibited in figures 9A-D.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsumagari et al (US PgPub 2004/0126095), hereinafter referred to as Tsumagari, in view of Chatterton (US Patent 7,116,894), hereinafter referred to as Chatterton, further

in view of Mekenkamp et al (US PgPub 2004/0091249), hereinafter referred to as Mekenkamp.

Regarding **claim 7**, Tsumagari discloses everything claimed as applied above (see claim 1). However, Tsuamagari fails to disclose wherein the external data is a digital broadcast signal. The examiner maintains that it was well known in the art to include the missing limitations, as taught by Chatterton.

In a similar field of endeavor, Chatterton discloses a system and method for digital multimedia stream conversion. Further, Chatterton discloses a digital media server which receives multimedia from broadcast communication channels (130) including digital/analog cable and satellite, which reads on the claimed, "wherein the external data is a digital broadcast signal," as disclosed at column 3, lines 63-67.

Therefore, it would have been obvious to modify the optical disk apparatus and optical disk processing method and optical disk of Tsumagari to include a digital media server which receives multimedia from broadcast communication channels (130) including digital cable, as taught by Chatterton, for the purpose of providing multimedia content from a variety of external sources.

The combination of Tsumagari and Chatterton fails to disclose the internal data is a signal reproduced from a read-only blu-ray disc (BD-ROM). The examiner maintains it was well known in the art to include the missing limitations, as taught by Mekenkamp.

In a similar field of endeavor, Mekenkamp discloses a continue recording channel feature for personal video recorder. Further, Mekenkamp discloses a PVR comprising hard drive (80) which may be an optical data storage device or drive such as

a blue-laser-based optical disc system (commonly known as Blu-Ray), which reads on the claimed, "the internal data is a signal reproduced from a read-only blu-ray disc," as disclosed at paragraphs [0020]-[0021].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Tsumagari and Chatterton to include a PVR comprising hard drive (80) which may be an optical data storage device or drive such as a blue-laser-based optical disc system (commonly known as Blu-Ray), as taught by Mekenkamp, for the purpose of providing a user with main data that is of a higher visual quality than that of a standard DVD disc.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARC DAZENSKI whose telephone number is (571)270-5577. The examiner can normally be reached on M-F, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571)272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621

/MARC DAZENSKI/
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